

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

UNITED STATES DISTRICT COURT

FILEDfor the
District of New MexicoUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*
 Timothy Chischilly, year of birth 1971.

Case No. 21-MR-822

JUN 16 2021

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

Timothy Chischilly, year of birth 1971.

located in the _____ District of New Mexico _____, there is now concealed (*identify the person or describe the property to be seized*):

Buccal swabs

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

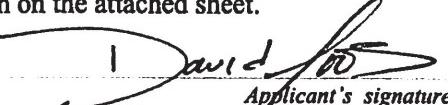
Code Section
 18 USC 1153
 18 USC 1111(a)

Offense Description
 Offenses committed in Indian Country
 Murder

The application is based on these facts:

See attached affidavit.

- Continued on the attached sheet.
 Delayed notice of _____ days (*give exact ending date if more than 30 days*: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



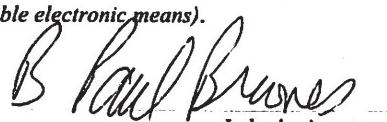
Applicant's signature



Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 telephone 605-211-1234 (*specify reliable electronic means*).

Date: 06/16/2021 BPL



Judge's signature

City and state: FARMINGTON, NM

B. Paul Briones, US Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF
TIMOTHY CHISCHILLY, year of birth 1971

Case No. _____

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, David Loos, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the FBI and have been since July of 2010. Your affiant is currently assigned to the Albuquerque Division of the FBI, Gallup Resident Agency, and has primary investigative responsibility for crimes occurring within Indian Country, including violent crimes such as homicide, robbery, arson, aggravated assault, sexual assault and narcotics violations. The information set forth in this affidavit has been derived from an investigation conducted by your affiant and/or communicated to him by other sworn Law Enforcement Officers. This affidavit is intended to show merely that there is sufficient probable cause for the requested search warrant and does not set forth all of my knowledge about this matter.

2. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of Title 18 U.S.C. §§ 1153, 1111, and 2 (Murder) has been committed by Timothy CHISCHILLY. It is requested a search warrant be granted in order to obtain a DNA sample from CHISCHILLY.

PROBABLE CAUSE

3. Your Affiant was contacted on January 31, 2020, by the Gallup Police Department in regard to a missing person report that was filed on January 27, 2020 for P.D., year of birth 1983,

(hereafter Jane Doe). On January 31, 2020, J.C., year of birth 1962, (hereafter Witness 1) went to the Gallup Police Department and reported that her brother, Timothy CHISCHILLY (hereafter CHISCHILLY), had confessed to killing Jane Doe, the girl “they” were looking for. According to Witness 1, CHISCHILLY told her and other family members that he (CHISCHILLY) held Jane Doe down as his girlfriend, Stacey YELLOWHORSE (hereafter YELLOWHORSE), used a sledgehammer to kill Jane Doe.

4. Witness 1 was shown a picture of a white, four door, Buick, Park Avenue, which Witness 1 confirmed belonged to CHISCHILLY.

5. T.V., year of birth 1977, (hereafter Witness 2) stated that on January 23, 2020, she was with Jane Doe, CHISCHILLY, and YELLOWHORSE. Witness 2 stated that she got in a fight with Jane Doe and YELLOWHORSE in the Gallup area. Witness 2 stated she was beat up and on the ground when she saw CHISCHILLY, YELLOWHORSE, and Jane Doe leave in a larger, white, four-door car.

6. On the evening of January 31, 2020, Law Enforcement Officers attempted to locate CHISCHILLY and YELLOWHORSE. Parked in front of CHISCHILLY’s residence, was a white, Buick, Park Avenue, bearing New Mexico license plate AFBJ34. Visible through the window was an axe head protruding from under the driver’s front floor mat. The vehicle was seized and towed back to the FBI office.

7. Your Affiant interviewed CHISCHILLY and YELLOWHORSE on the morning of February 1, 2020. CHISCHILLY and YELLOWHORSE confirmed they had been with Jane Doe on January 23, 2020, but stated they dropped her off at a restaurant in Gallup, and never saw Jane Doe again. CHISCHILLY and YELLOWHORSE confirmed they had been driving the white Buick.

8. On February 1, 2020, after interviewing CHISCHILLY and YELLOWHORSE, your Affiant interviewed M.A., year of birth 1984, (hereafter Witness 3), who stated she heard CHISCHILLY confess that, “we killed somebody,” and heard CHISCHILLY say that it was “the girl that was missing.” Witness 3 stated she heard CHISCHILLY say that he (CHISCHILLY), held “her” down and YELLOWHORSE hit her with a sledgehammer.

9. On February 1, 2020, your Affiant interviewed A.A., year of birth 1984, (hereafter Witness 4). Witness 4 stated CHISCHILLY told Witness 4 and others in the room that CHISCHILLY murdered someone. Witness 4 stated after hearing the confession, other members of his family left the room where they were all gathered. Witness 4 stated CHISCHILLY provided additional details that he (CHISCHILLY) “pinned her down with nails and a hammer” and YELLOWHORSE came by with a sledgehammer and “bashed” her head in. Witness 4 stated CHISCHILLY told him that after the head bashing, they (CHISCHILLY and YELLOWHORSE) disposed of the body by hacking the body into pieces, burning the body, and putting the body parts “here and there.”

10. Witness 4 stated CHISCHILLY asked Witness 4 if he would help to clean up the mess. Witness 4 stated CHISCHILLY told Witness 4 there are still remains around and CHISCHILLY did not know if the dogs had taken the remains.

11. Witness 4 stated on the night CHISCHILLY confessed to killing Jane Doe, Witness 4 went down to CHISCHILLY’s house and looked inside a white, four door, vehicle which belonged to CHISCHILLY. Witness 4 stated he saw the tools CHISCHILLY had described using, to include a sledgehammer, nails, and knives.

12. Later in the evening on February 1, 2020, your Affiant again interviewed YELLOWHORSE. YELLOWHORSE stated that on the day she and Jane Doe had fought with

Witness 2, Jane Doe traveled back with them (CHISCHILLY and YELLOWHORSE) to their home in Mexican Springs, New Mexico in the white car. YELLOWHORSE stated she was asleep when she woke up to hear Jane Doe screaming. YELLOWHORSE looked and saw Jane Doe's hand nailed to the floor with a large construction type nail. YELLOWHORSE stated she saw CHISCHILLY on top of Jane Doe driving another nail through Jane Doe's other hand into the floor. YELLOWHORSE described Jane Doe as lying on her back with her arms out to the sides. YELLOWHORSE stated she got scared and ran out of the house. YELLOWHORSE forgot her shoes and returned to the house to see CHISCHILLY using a hammer to remove the nails that had been driven through Jane Doe's hands into the floor. YELLOWHORSE stated Jane Doe was alive at that time. YELLOWHORSE left the house again. YELLOWHORSE stated when she returned, she saw a large bonfire and smelled a body in the fire. Your Affiant is familiar with the location of the house and the location of the fire pit. Your Affiant estimates the fire pit is approximately 50 yards from the house. YELLOWHORSE stated CHISCHILLY kept the fire raging for three days.

13. YELLOWHORSE stated the following morning she helped CHISCHILLY remove bloody furniture from the house. YELLOWHORSE stated CHISCHILLY chopped the furniture into pieces and burned them.

14. On the morning of February 2, 2020, YELLOWHORSE stated she helped CHISCHILLY remove some of the larger bones that did not burn in the fire. YELLOWHORSE stated she helped CHISCHILLY scatter Jane Doe's bones and skull in various areas. On February 2, 2020, YELLOWHORSE was able to take Law Enforcement Officers to the location on the Navajo Nation Indian Reservation where they left Jane Doe's skull. Law Enforcement Officers recovered a skull at this location that later tested positive for Jane Doe's DNA.

15. On the morning of February 2, 2020, pursuant to an authorized search warrant, Law Enforcement Officers conducted a search of CHISCHILLY and YELLOWHORSE's residence. Law Enforcement Officers found two holes in the floor surrounded by what is believed to be blood. The holes in the floor are consistent with the description YELLOWHORSE provided of seeing Jane Doe's arms stretched out to the sides with her hands nailed to the floor. Furthermore, Law Enforcement Officers found evidence of blood throughout the home.

16. Law Enforcement Officers searched through the remains of a fire near CHISCHILLY's home. Law Enforcement Officers found what were later identified as human remains.

17. Additionally, Law Enforcement Officers searched a dump location where CHISCHILLY is believed to have dumped garbage and ashes. Law Enforcement Officers found what they believe to be human remains.

18. Pursuant to an authorized search warrant, the white Buick vehicle was searched by an FBI Evidence Response Team. During the search, Agents found an axe head which contained a reddish/brown substance which your Affiant believes is consistent with blood. Agents also found a small sledgehammer under the front passenger side floor mat and a knife. The FBI laboratory conducted DNA examinations and found unknown DNA profiles on the items from the Buick.

19. On the morning of February 2, 2020, CHISCHILLY and YELLOWHORSE were arrested by the FBI. CHISCHILLY is currently incarcerated.

20. On December 1, 2020, a search warrant was authorized for the collection of DNA from CHISCHILLY. However, due to the COVID pandemic and the various parties involved, it

was requested the DNA sample from CHISCHILLY not be collected at that time. The warrant obtained on December 1, 2020 was returned unexecuted. Your Affiant requests another search warrant be authorized for the collection of CHISCHILLY's DNA.

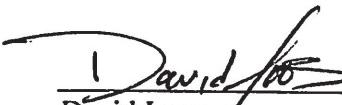
21. Based upon the aforementioned facts provided in this affidavit, your Affiant respectfully submits there is probable cause to believe that DNA evidence of the crime of Title 18 U.S.C. §§ 1153, 1111, and 2 (Murder) may be found on the person of CHISCHILLY, specifically in the form of saliva collected with a buccal swab. Your Affiant intends to subsequently send the items for laboratory examination so that the DNA profiles found on the items collected from the white Buick and any other unknown DNA profiles found on the crime scene evidence may be compared with the DNA profile of CHISCHILLY.

JURISDICTIONAL STATEMENT

22. On February 1, 2020 Criminal Investigators from the Navajo Nation confirmed that the location of CHISCHILLY'S home is within the boundaries of the Navajo Indian Reservation, which is Indian Country in the District of New Mexico. Further, CHISCHILLY and YELLOWHORSE are enrolled member of the Navajo Nation.

23. Assistant United States Attorney Fredrick Mendenhall reviewed and approved this affidavit for legal sufficiency.

Respectfully submitted,



David Loos
Special Agent
FBI

Submitted via email and sworn to telephonically on June 16, 2021.



UNITED STATES MAGISTRATE JUDGE